

3501.670-2 Documents to be submitted for legal review.

The following documents are to be submitted in connection with contract actions requiring legal review pursuant to 3501.670-1:

(a) For proposed construction contracts, a copy of the solicitation documents, excluding drawings, prior to the time they are furnished to prospective offerors, when feasible;

(b) For all other proposed contracts and agreements, a copy of the document to be used in the solicitation and/or award, including any other documents, excluding drawings, which support the proposed procurement action, prior to the time they are mailed to the prospective offerors, when feasible;

(c) For all other contract actions not specified in paragraph (a) or (b) of this subsection, a copy of the document itself and copies of all other documents, excluding drawings, relating to the action.

3501.670-3 General Counsel's legal review.

(a) The General Counsel shall conduct a review of the legal sufficiency of the contract action. The General Counsel shall provide to the contracting officer a written determination of whether the proposed action is legally sufficient, or the details of any insufficiency and a recommended course of action to overcome the insufficiency. A contracting officer shall not take action which is contrary to a written and timely determination of legal insufficiency from the General Counsel.

(b) The General Counsel shall complete the legal review as quickly as possible, with due regard to those procurement actions where circumstances dictate an unusually short period for completing the action.

PART 3502—DEFINITIONS OF WORDS AND TERMS

AUTHORITY: 40 U.S.C. 486(c); Article XI of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977.

Subpart 3502.1—Definitions**3502.101 Definitions.**

Administrator means the chief executive officer of the Panama Canal Commission. The Administrator, subject to the direction and under the supervision of the Board of Directors, exercises general and active control over the Commission's offices, business and operations, and general supervision over its officials, agents, attorneys, and employees. As contemplated at FAR 2.101, unless otherwise indicated, "Administrator" also means the Commission's Deputy Administrator.

Agency head means the Administrator of the Panama Canal Commission.

Bureau Director means an official appointed by the Administrator to direct and manage one of the Commission's three operating bureaus.

Commission means the Panama Canal Commission.

Designated Agency Ethics Official means an individual appointed by the Administrator pursuant to the "Ethics in Government Act of 1978" to coordinate and manage the agency's ethics program and to act as the principal contact with the Office of Government Ethics.

Designated contractors (sometimes referred to as "special regime contractors") means:

(a)(1) Natural persons who are nationals or permanent residents of the United States, or

(2) Corporations or other legal entities organized under the laws of the United States, any state thereof, or the District of Columbia, and which are under the effective control of such natural persons—

(i) To whom contracts are awarded by the Panama Canal Commission for work to be performed in whole or in part in the Republic of Panama, and

(ii) Who are so designated in writing by the Commission.

(b) The term also includes subcontractors of designated contractors (1) who are nationals or permanent residents of the United States, or (2) which are corporations or other legal entities organized under the laws of the

Pt. 3503

United States, any state thereof, or the District of Columbia, and which are under the effective control of United States nationals or permanent residents.

Head of Independent Unit means an official appointed by the Administrator to direct and manage one of the Administrator's staff offices.

Head of the Contracting Activity (HCA) means the General Services Director and the Engineering and Construction Director.

Implementing Agreement means the Agreement in Implementation of Article III of the Panama Canal Treaty (TIAS 10031), signed at Washington, DC on September 7, 1977.

Inspector General means the Office of the Inspector General.

Procurement Executive means an individual designated as the senior procurement executive pursuant to 41 U.S.C. 414(3), by the Administrator from members of his staff. The Procurement Executive is delegated agency-wide responsibility to oversee development of procurement systems, establish procurement policy, evaluate procurement system performance in accordance with approved criteria, carry out specific responsibilities as assigned in this PAR, enhance career management of the procurement work force, and certify to the Administrator that procurement systems meet approved criteria.

Treaty means the Panama Canal Treaty (TIAS 10030), signed at Washington, DC on September 7, 1977.

[55 FR 7638, Mar. 2, 1990]

PART 3503—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

Sec.

3503.000 Scope of part.

Subpart 3503.1—Safeguards

3503.101 Standards of conduct.

3503.101-3 Agency regulations.

3503.103 Independent pricing.

3503.103-2 Evaluating the certification.

48 CFR Ch. 35 (10-1-01 Edition)

Subpart 3503.2—Contractor Gratuities to Government Personnel

3503.203 Reporting suspected violations of the Gratuities clause.

3503.204 Treatment of violations.

Subpart 3503.3—Reports of Suspected Antitrust Violations

3503.301 General.

Subpart 3503.4—Contingent Fees

3503.408 Evaluation of the SF 119.

3503.408-1 Responsibilities.

3503.409 Misrepresentations or violations of the Covenant Against Contingent Fees.

Subpart 3503.5—Other Improper Business Practices

3503.502 Subcontractor kickbacks.

3503.502-2 General.

Subpart 3503.6—Contracts With Government Employees or Organizations Owned or Controlled by Them

3503.600-70 Scope of subpart.

3503.600-71 Definitions.

3503.601 Policy.

3503.602 Exceptions.

3503.603 Responsibilities of the contracting officer.

3503.670 Exclusions.

AUTHORITY: 40 U.S.C. 486(c).

SOURCE: 55 FR 7638, Mar. 2, 1990, unless otherwise noted.

3503.000 Scope of part.

This part implements FAR part 3, cites Commission regulations on employee responsibilities and conduct, establishes responsibility for reporting violations and related actions, and provides for authorization of exceptions to policy.

Subpart 3503.1—Safeguards

3503.101 Standards of conduct.

3503.101-3 Agency regulations.

Commission regulations on Employee Responsibilities and Conduct are contained in the Commission's "Employee Code of Conduct". All personnel involved in acquisition actions shall become familiar with the statutory and